

UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL



1997-98 Annual Report to the Governor and Legislature

Priorities and Recommendations for Action
Legislative ♦ Budgetary ♦ Policy ♦ Study

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The Mission of the Utah Substance Abuse and Anti-Violence Coordinating Council is to provide a unified voice for the establishment of a comprehensive strategy to combat substance abuse, illegal drug activity, and violence.

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The Utah Substance Abuse and Anti-Violence Coordinating Council's 1997-98 Annual Report to the Governor and Legislature is prepared by the Council pursuant to Utah Code §63-25a-203.

Introduction

Few Utahns are untouched by the destructive nature of substance abuse, illegal drug activity, and community violence. Drugs and violence destroy individuals, families, and communities. An effective strategy must forge a balance between prevention, treatment, and punishment. While Utahns in general continue to use alcohol and other drugs at rates lower than the rest of the nation, there is cause for concern as drug use among Utah youth increased from 1995 to 1996. The use of alcohol, tobacco, marijuana, and LSD all increased among Utah youth ages 12-17. In addition, the use of stimulant drugs by youth, including methamphetamine, doubled from 1993 to 1996. From 1995-96, incidents of domestic violence increased in Utah by 28 percent; DUI arrests decreased only slightly -- about 2%; and DEA-assisted seizures of methamphetamine labs are growing dramatically, with the number of seizures in 1997 already double the number in 1996. These sobering figures, combined with the USAAV Council's strong belief that any discussion of drugs or violence must necessarily take the other into account -- the strong correlation between drugs and violence is indisputable -- have formed the foundation for this year's priorities and recommendations from the Council.

USAAV PRIORITY

Methamphetamine: A Deadly Recipe for Addiction and Violence

Methamphetamine, also known as "crank," "speed," "ice," "crystal" and "meth," is the fastest growing illicit drug in the country, and Utah is a major participant in its manufacturing. Often called "the crack cocaine of the 90's," meth is a synthetic stimulant drug that is cheaper than cocaine, produces a much longer high -- *an average of 15 hours*, and can produce severe depression, paranoia, belligerence, extreme aggression, and irrational violence (*U.S. Department of Justice*). It is produced in illegal clandestine laboratories which are at great risk

"Methamphetamine poses the #1 threat to Utah's public safety . . . a threat more virulent than gangs."

Sgt. Charles Illsley
West Valley City Police Department

of producing toxic fumes, fire and explosion, which in turn can cause irreparable damage to the environment and human health. The production process also produces large amounts of extremely toxic waste, with the cost of lab clean up often in the thousands of dollars. In the late 1980's and early 1990's, the United

"Methamphetamine is made from over-the-counter medications in labs often set up in houses, apartments and motel rooms. By mixing together common cold medications containing ephedrine with other chemicals, meth can be made quickly and inexpensively."

NCADI Reporter - June 30, 1997

States passed laws to regulate precursor chemicals needed to manufacture meth, which forced mass production of the drug to Mexico. In 1992, Utah passed both the Drug Precursor Act and the Clandestine Drug Lab Act. However, while most lab operations in Utah are now smaller, with much of the meth produced for personal use, the problem has continued to grow due to weaknesses in current statutes.

"Violence is a deadly by-product in the meth environment. It cares not who or what is harmed or killed. Meth users are deadly time bombs waiting to explode in violence against anyone who may have the misfortune of being around, including their own children and spouses."

California Attorney General's Office, 1997

Drug Enforcement Administration (DEA) participated in and reports the following lab seizures in Utah: 12 labs were seized in 1991; 28 in 1994; 30 in 1995; and 66 in 1996. In 1997 so far, at least 120 labs have been seized, twice the number seized last year. The greatest barrier to controlling the lab problem in Utah is the continued availability of key precursor substances utilized in manufacturing meth, including ephedrine and crystal iodine. And the problem isn't limited to the illegal manufacturing of this dangerous drug. The drug has a high potential for abuse and dependence, and Utah's treatment programs are flooded with admissions requests for abusers. Treatment providers report that meth users enter treatment more rapidly than either heroin or cocaine addicts. According to the Utah Division

DEA-assisted meth lab seizures in Utah are increasing dramatically, nearly doubling each year: 30 in 1995, 66 in 1996, and at least 120 so far in 1997!

Why USAAV is Concerned About Methamphetamine

Meth production and use pose a clear and increasing threat to the health and safety of Utahns. Utah continues to rank among the top states in the number of meth lab seizures, which has doubled each year since 1995. Meth poses a significant risk for children who are exposed to its production. Meth use can result in extremely violent behavior.

of Substance Abuse, treatment admissions for meth addiction have increased from 75 in FY'90 to 1,914 in FY'97, a 2,452% increase! The Division estimates that

Treatment admissions for meth in Utah increased 2,452% from 1990 to 1997!

Utah Division of Substance Abuse Treatment Admissions Database

6,499 Utahns are currently in need of treatment for meth addiction, including 4,627 adults and 1,872 youth. According to the Drug Abuse Warning Network (DAWN), nationwide the numbers

of hospital emergency room episodes related to meth and meth-related deaths skyrocketed from 1991 to 1994, increasing by as much as 300% in some areas!

USAAV Recommendations

The USAAV Council recommends a comprehensive approach to the meth problem, as follows:

1. The Utah Legislature should enact legislation to:
 - a. Prohibit the sale and possession of large quantities of ephedrine, pseudoephedrine, and crystal iodine.
 - b. Add crystal iodine to the list of precursor chemicals.
 - c. Consistent with federal law, require identification (*i.e. fingerprints*) for the purchase of crystal iodine.
 - d. Fund the Controlled Substance Precursor Advisory Board created by the 1992 Legislature.
 - e. Appropriate \$700,000 to the Division of Substance Abuse for treatment of meth addicted adults and youth.
2. The Utah State Office of Education should enhance the Prevention Dimensions resource files to include methamphetamine prevention at the junior high and high school levels.
3. The USAAV Coordinating Council should conduct a public education campaign regarding the dangers of meth use and production.

4. Educational efforts should emphasize the strong relationship between meth use and violence.

USA AV PRIORITY

DUI: Drug-Related Violence on Utah's Highways

Despite some of the most stringent statutes for driving under the influence of alcohol and other drugs, the DUI offender remains a serious threat on Utah's highways. According to the Utah Highway Safety Office, DUI arrests were down slightly in 1996, after a 12% increase from 1994-95; and the average blood alcohol level for arrested drivers was .14, nearly twice Utah's legal limit. Fatalities in alcohol-related crashes increased slightly, from 84 in 1995 to 87 in 1996. During the 1997 interim study period, Representative Nora B. Stephens formed a DUI Working Group to examine proposals for further strengthening Utah's DUI laws. Composed of representatives from the Department of Public Safety, Attorney General's Office, Office of Legislative Research and General Counsel, Mothers Against Drunk Driving and the USAAV Council, the working group met several times throughout the year and generated specific recommendations to more effectively address DUI offenders. The USAAV Council strongly supports Representative Stephens' proposals to be presented to the 1998 Utah Legislature.

USA AV Recommendations

The Utah Legislature should enact legislation to:

1. Create a zero tolerance blood alcohol level (.00) for convicted DUI offenders, including implementation of a conditional license.
2. Eliminate jury trials for DUI offenders.

USA AV PRIORITY

Domestic Violence Services for Victims and Offenders

"Once a subject not mentioned in public, domestic violence is now openly discussed in the media and public forums, and the message being sent is clear: Everyone has the right to feel safe in their own home and among their own family. Domestic violence cannot be tolerated in any segment of our society."

Crime in Utah 1995

The number of domestic violence incidents reported in Utah increased by 28% between 1995 and 1996 (*Crime in Utah 1995 & 1996, IBR Agencies*). Utah's response, however, is impeded by a lack of critical resources. Additional service capacity is needed to ensure a coordinated approach to cases when child protective services also becomes involved. A significant

number of perpetrators who are court-ordered into treatment do not comply, thereby reducing accountability and the impact of our treatment systems.

Referrals to adult treatment continue to outstrip existing resources, with the number of perpetrators receiving treatment in Utah increasing over 230% from 1994 through 1996.

Protective orders, which have increased by 60% since 1994, are a critical safety device for victims of domestic violence. Legal representation at the hearings ensures the victim's position is clearly presented and that safety is not compromised.

There is growing evidence that child witnesses to domestic violence are highly at risk for adolescent violence and antisocial behavior of the kind increasing in Utah's schools and neighborhoods.

Utah Domestic Violence Advisory Council

USA AV Recommendations

The Utah Legislature should appropriate \$1,469,500 to the Division of Child and Family Services for domestic violence related treatment, shelters and staff, as follows:

1. \$500,000 for child welfare liaison and treatment compliance tracking;
2. \$220,000 for children's treatment services;
3. \$254,500 for adult treatment services;
4. \$295,000 for increased workload and crisis intervention in existing shelters;
5. \$100,000 to establish a shelter facility in San Juan County; and
6. \$100,000 for legal assistance for victims.

USA AV PRIORITY

Alcoholic Beverage Revenues for Enforcement, Prevention and Treatment Programs

Taxes on alcoholic beverages provide an appropriate and effective source of funding for alcohol and other drug related programs. For example, in 1983, the Utah Legislature passed an increase in the beer tax and appropriated ongoing funds for drug education, prevention, treatment and enforcement; the tax has not been increased since that time. During the 1997 interim study period the USAAV Council, in cooperation with the Utah Association of Substance Abuse Program Providers, examined Utah's alcoholic beverage revenues to determine the best means of utilizing these funds for alcohol-related programs to help meet the growing need for services in the state. The group, composed of public safety officials along with substance abuse prevention

and treatment providers, generated several recommendations which include a small beer tax increase and designation of resulting new revenues for related enforcement, prevention and treatment programs.

USA AV Recommendations

The Utah Legislature should:

1. **Create a special revenue fund entitled the "Alcohol and other Drug Enforcement, Prevention and Treatment" (ADEPT) Fund, to be administered by the Department of Public Safety.**
2. **Increase the tax on beer from \$11 to \$16 per 31-gallon barrel and place the new revenues (estimated at \$4.2 million) into the ADEPT Fund.**
3. **Appropriate the full \$4.35 million intended for cities, towns and counties in §32A-1-115 to the ADEPT Fund (to be disbursed according to the current formula), and require recipients of these funds to annually report to the USAAV Council the amount of funding received and the purposes for which it was used.**
4. **Designate the USAAV Coordinating Council to annually determine how the ADEPT Fund will be distributed.**
5. **Re-assess the distribution formula for the \$4.35 million and make appropriate adjustments to ensure cities, counties and towns are not unduly penalized for making progress in alcohol control efforts, and to ensure utilization of the funds for a full continuum of alcohol-related enforcement, prevention and treatment services.**

USA AV PRIORITY

Penalties for Sale of Tobacco to Youth

The Centers for Disease Control and Prevention have determined that smoking is a pediatric epidemic. While Utah law prohibits the purchase or possession by, and the sale or distribution to anyone under 19 years of age, tobacco is the second most prevalent substance used by adolescents in Utah. Nearly 31,000 students in Utah's school are smokers, which reflects an 18% increase from 1989 to 1994, with the greatest increase being among the youngest adolescents in the 7th and 8th grades. In addition, the number of citations has been rising dramatically since 1991. In 1996 over 10,300 tobacco citations were issued

"Tobacco is the most lethal drug, but the least regulated."

*Dr. Gordon Lindsay
Professor, BYU*

to youth violators, a five percent increase over 1995 (*Utah Juvenile Court*). While youth obtain their cigarettes in a variety of ways, illegal sales to minors are still a problem in Utah, which poses a threat to the state's substance abuse prevention and treatment block grant funds in accordance with the federal "Synar Amendment." Compliance with Synar requires that the successful buy rate by minors be no greater than 20 percent. The current successful underage buy rates in Utah range from 0% to 53%; Utah's overall statewide rate is currently 28%. A weakness in current laws is that they provide for action only against the clerk who makes the sale, not against the individual who holds the establishment's license to sell tobacco. In addition, Utah's present licensure system provides only for a one-time licensing of tobacco vendors, which makes it impossible to maintain a current or accurate list of outlets licensed to sell tobacco, thus hampering enforcement and compliance check efforts.

USA AV Recommendations

1. The Utah Legislature should enact legislation to:

- a. **Create civil penalties for tobacco licensees whose outlets sell to underage youth, including monetary fines and suspension/revocation of the license to sell tobacco.**
- b. **Require periodic renewal of the license to sell tobacco.**

2. The USAAV Coordinating Council should create and disseminate guidelines for more effective coordination of tobacco education, prevention, cessation and control programs in Utah.

USA AV PRIORITY

Early Intervention for Youth Who Violate Alcohol/Drug Laws

The earlier a young person who is using alcohol or other drugs can be identified, the greater the chances are of successfully stopping the behavior. Utah currently provides a variety of sanctions for youth who violate drug laws including fines, driver license suspension, and community service. The laws also provide that community service hours may be credited for satisfactory completion of an approved substance abuse prevention or treatment program. The USAAV Council encourages the use of problem assessments and referral to appropriate programs for all youths who violate drug laws, thus enhancing the probability that the drug using behavior will be arrested at the earliest possible time. The requirement for an assessment and completion of an appropriate program is currently a key component of the Not a Drop statute targeted at youth who drink and drive in Utah. Expansion of the concept to all youth who violate drug laws would greatly benefit Utah's youth.

USAAV Recommendations

1. **The Utah Legislature should amend the Not a Drop statute to enable youth to obtain an alcohol/drug problem assessment from any licensed provider, but at their own expense if they choose not to utilize the Local Substance Abuse Authority.**
2. **The USAAV Council should work with the Juvenile Court and the Utah Association of Substance Abuse Program Providers to study the feasibility of requiring all youth who violate any alcohol or other drug-related law to obtain an alcohol/drug problem assessment and referral to an appropriate prevention, intervention or treatment program.**

USAAV PRIORITY Gang Witness Pilot Project

Intimidation of witnesses to gang-related crime and violence has emerged as a threat to the successful investigation and prosecution of gang cases in Utah. Witness intimidation has resulted in cases falling apart when witnesses refuse to testify out of fear for their lives. In spite of the earnest efforts of law enforcement officials, the problem will continue until protection is provided for witnesses. An effective program could provide temporary protective services, such as supporting witnesses expenses at an out-of-town location for a short time and providing transportation to court to testify. Other states have successfully implemented witness protection programs; a pilot in Utah would determine the most effective model for addressing the problem locally. Funding is currently available from unallocated CCJJ mini-grant funds, which require a match from recipient agencies to enhance the funding available.

USAAV Recommendation

The Utah Commission on Criminal and Juvenile Justice should award \$8,000 in mini-grant funds to conduct a pilot project with the Salt Lake County District Attorney's Office that will provide protection to witnesses to gang-related violence/crimes.

USAAV PRIORITY Truancy Amendments

Youth truancy is a problem currently being discussed statewide. For a growing number of youth, truancy may be a first step to a lifetime of unemployment, crime, and incarceration. State educators estimate as many as 20% of junior and senior high school students in Utah miss school without a valid reason. Truant students are at higher risk of being drawn into behavior involving alcohol,

other drugs, and violence. Current laws address only schools and parents, with no meaningful consequences for youth who do not attend school. The issuance of a citation by local law enforcement and school officials can serve as an appropriate intervention when it is coupled with opportunities to correct truant behavior.

USAAV Recommendation

The Utah Legislature should amend Utah's truancy statute to include the following:

1. **Allow police officers and school officials to issue citations to truant students.**
2. **Classify a truancy citation as an infraction under the jurisdiction of the justice courts.**
3. **Give judges the power to order parents to participate in intervention or treatment services.**
4. **Allow parents to raise an affirmative defense and have fines waived if they agree to participate in court-recommended programs.**
5. **Allow an affirmative defense to be raised and a waiver of fines if a youth stays in school for a specified period of time.**
6. **Permit a certified copy of the youth's school attendance record to be admitted in court.**

USAAV PRIORITY Treatment for Offenders and Parenting Adults

It is estimated that up to 75% of offenders incarcerated in Utah's county jails have substance abuse related problems, and almost 50% of all admissions to treatment on a statewide basis are referrals from the justice system. Proposed new funding would be utilized to establish statewide treatment alternatives to incarceration by diverting offenders from county jails and into treatment programs, thereby producing a significant cost savings and freeing up critical jail space. Studies show treatment is effective not only in reducing drug use, but in reducing crime and recidivism as well. It has also been demonstrated that individuals coerced into treatment do as well or better than those who enter voluntarily (*ONDCP, 1990*). Finally, the cost savings are tremendous; one study demonstrated for every dollar spent on treatment, there was a \$7.46 reduction in crime-related spending and lost productivity (*RAND Corporation for ONDCP, 1994*).

It is estimated that there are currently over 25,000 parenting adults in Utah who are in need of treatment for a substance abuse problem. Of this number 35%, or approximately 8,800, would most likely access services through the public system. New funding would be

utilized to increase the treatment services available to parenting adults, thereby eliminating the need for the state to open a child protective service case on the family or take the children into state custody.

USA AV Recommendations

1. **The Utah Legislature should appropriate \$300,000 to the Division of Substance Abuse to be utilized to divert offenders with drug problems from incarceration in county jails and into treatment.**
2. **The Utah Association of Substance Abuse Program Providers should study the need for treatment for parenting adults and their children, including possible revenue sources, and report findings to the USAAV Coordinating Council for consideration in developing recommendations for its next annual report.**

USA AV PRIORITY

Children's Health Insurance Coverage for Substance Abuse Treatment

The USAAV Council believes that Utah should include substance abuse treatment as a covered service under its Children's Health Insurance Plan (CHIP). CHIP is a federal-state partnership program which seeks to increase the health insurance coverage for non-Medicaid, poor children. It is estimated that there are currently 13,000 children in Utah who are in need of treatment for an alcohol or other drug problem. USAAV has concluded that the inclusion of substance treatment as a covered CHIP benefit now will save many more dollars in the future health care and related costs for these children.

USA AV Recommendations

1. **The Utah Health Policy Commission should include substance abuse services in the Children's Health Insurance Program (CHIP), and should designate the Utah Department of Health to administer the CHIP program.**
2. **The design of the CHIP coverage for children's substance abuse treatment should be flexible, based on the best placement for the child, and should not place incentives on inpatient treatment over other more appropriate and effective treatment modalities such as residential, day treatment, and intensive outpatient services.**
3. **Parity for recipients of substance abuse treatment services should be established by making provider choice and capacity for third party payments equal to those for the general population seeking services from the physical health care system.**

USA AV PRIORITY

Utah Drug-Free Workplace Education Act

According to the National Institute on Drug Abuse, at least 70 percent of all illegal drug users are employed either full or part-time. The federal government estimates that alcohol and other drug use/abuse on the job may cost our nation as much as \$102 billion annually in reduced and lost productivity. Alcohol and other drug abuse create a variety of workplace health and safety problems including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

USA AV Recommendation

The Utah Council for Crime Prevention Drug and Violence-Free Workplace Task Force should continue its work to prepare legislation that will require all Utah employers to adopt a drug-free workplace policy.

USA AV PRIORITY

Utah Prevention Master Plan

The USAAV Coordinating Council believes prevention must be an integral part of every state agency in Utah. While many agencies address prevention, it is not often a priority, and is not reflected at all in the plans of others. It is essential that we develop a shared definition of what "prevention" is and the benefits it holds for Utah's citizens. The development of a Prevention Master Plan will not only assist in promoting prevention as a viable and necessary concept, but will facilitate the coordination of efforts, sharing of resources, identification and dissemination of research-based programs that have proven to be effective, and collaboration among programs and agencies. The Utah Division of Substance Abuse and the FACT Council jointly formed the Utah Prevention Task Force to cooperatively develop a plan for Utah. To date, the Task Force has accomplished significant work toward the preparation of the Utah Prevention Master Plan.

USA AV Recommendations

1. **The Utah Prevention Task Force should complete work on the Utah Prevention Master Plan.**
2. **The completed plan should be delivered to all state agency heads and should be uniformly adopted and considered both in agency planning and in the development of budgetary priorities.**

USA AV PRIORITY**Ongoing Funding for Drug and Violence Programs**

The 1997 Utah Legislature increased the tax on cigarettes by 25¢ per pack, which generated an estimated \$21.8 million in new revenues for the General Fund. The Legislature then appropriated much needed funding from these new revenues to support tobacco and other drug-related programs during fiscal year 1998.

USA AV Recommendation

The Utah Legislature should maintain as ongoing funding the appropriations made for drug and violence programs from the 1997 cigarette tax increase revenues, including: the tobacco media campaign; adult and youth substance abuse treatment; tobacco prevention, cessation and control programs; and gang prevention and intervention programs in the schools.

The primary activities of the USAAV Council include the following:

1. Recommend and coordinate the creation, dissemination, and implementation of statewide substance abuse and anti-violence policies.
2. Assess existing resources and identify gaps in services/needs based on local, state and federal program/agency/organization priorities.
3. Maintain an information base which reflects agencies/individuals involved and their roles and available resources, and which identifies additional services and needs.
4. Promote interagency partnerships, both public and private, to facilitate coordination and maximize use of resources.
5. Analyze and provide an objective assessment of all proposed legislation concerning alcohol, tobacco, other drug, and community violence issues.
6. Recommend and promote legislative, executive, and judicial actions consistent with policy, program, and funding needs.
7. Recommend public education campaigns and the dissemination of information to inform Utah's citizens about critical drug and violence issues.
8. Provide input to the UCCJJ regarding the utilization of federal Byrne and RSAT funds.

9. Report recommendations annually to the Governor and Legislature.**1996-97 Accomplishments**

The following is a summary of accomplishments related to the priorities and recommendations set forth in the Council's 1996-97 Annual Report to the Governor and Legislature. The USAAV Council acknowledges the following were accomplished through the collaborative efforts of individuals, agencies and organizations committed to improving Utah's response to drugs and violence. The USAAV Council proposed some of the actions; others were proposed by committed legislators, agencies, and organizations. All will strengthen Utah's comprehensive drug and violence strategy.

- ◆ The 1997 Utah Legislature passed **H.B. 27 - Cigarette Excise Tax**, which increased the tax by 25¢ per pack, and appropriated funding for drug and violence programs as follows: \$250,000 for a tobacco media campaign; \$400,000 for youth substance abuse treatment; \$200,000 for adult substance abuse treatment; \$360,000 for tobacco programs; and \$399,300 for gang prevention and intervention programs in the schools.
- ◆ The 1997 Utah Legislature passed **H.B. 21 - Controlled Substance Act Amendments**, which defined drug "analogs" (designer drugs) and provided for prosecution of drug ring leaders.
- ◆ The 1997 Utah Legislature passed **H.B. 121 - Criminal Justice Boards and Commissions Amendments**, which integrated the drug and violence components of the USAAV Council and expanded the Council's duties.
- ◆ The 1997 Utah Legislature passed **S.B. 194 - Substance Abuse Counselor Licensure Amendments**, which added provisions regarding confidentiality, evidentiary privilege, and professional conduct to the Substance Abuse Counselor Licensure Act.
- ◆ The 1997 Utah Legislature passed **S.B. 140 - Appropriation for Domestic Violence Shelters**, which appropriated **\$325,000** to provide housing for victims of domestic violence.
- ◆ The 1997 Utah Legislature appropriated **\$300,000 for domestic violence treatment programs and shelters**.
- ◆ The 1997 Utah Legislature raised the cap on the DUI surcharge and appropriated **\$640,100 for local Substance Abuse Programs**.

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